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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY, individually and on
behalf of all others similarly situated,

No. C 11-02575 WHA

Plaintiff,

v.

KMART CORPORATION, and DOES
1-50 inclusive,

Defendants.

**NOTICE REGARDING FINDINGS
OF FACT AND CONCLUSIONS
OF LAW**

Counsel shall address the following somewhere in their proposed findings of fact and conclusions of law:

(1) Does the trial record of admitted evidence contain a blueprint or graphic design showing a proposed modification of the Kmart cashier stall? If not, is any proposed modification sufficiently described in the trial evidence and, if so, describe the modifications in detail, citing to the trial record. Be sure to address each feature of the existing stall and state where each would be located in the modified stall, including the bins, mirror, register, foot rest, bagging table, and all other functional features now in use. If the record does not specify where a feature would be, so state.

(2) Does the trial record prove that suitable seating could reasonably be used when carrying out the work of the Kmart cashier? If so, with respect to such suitable seating, describe what the admitted trial evidence shows as to:

- (a) Is the suitable seating a chair, stool, lean-stool, butt-rest, bench, or something else?
- (b) Is it affixed to the floor versus mobile?
- (c) Does it have wheels?
- (d) Does the seat swivel?
- (e) Does it have arm rests?
- (f) Does it have a back?
- (g) Does it have a cushion?
- (h) What is the height of the seat? Of the back, if any?
- (i) Would the feet of the cashiers reach the floor while seated? If so, how would the eye level while seated compare to the eye level while standing?

Dated: November 21, 2012.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE